

**Town of Sunset Beach
Monthly Council
Work Session & Regular Meeting
January 5, 2015**

MINUTES

Members Present: Mayor Ron Watts, Mayor Pro-Tem Lou DeVita, Councilwoman Carol Scott, Councilman Wilson Sherrill, and Councilman Mike Williams

Members absent: Councilman Terry Johnson

Attorney & Staff Present: Susan Parker, Town Administrator; Bonnie Schwerd, Finance Director; Dustin Graham, Public Works Director; Kevin Dempsey, Fire Chief; Lisa Joyner, Police Chief; and Lisa Anglin, Town Clerk

**Work Session
6:45 pm**

Mayor Watts called the Work Session to order, called for agenda amendments, and general discussions by the Council.

Agenda Amendments

Mayor Pro-Tem DeVita questioned why the Paid Parking RFP was not on this agenda. Parker advised that Staff is working on the RFP and requested Council to consider it during the January 20th Work Session. Councilwoman Scott requested Council to place more substantive items on the Council Meeting agendas as opposed to the Work Session agendas. Mayor Watts requested to add Filming of Council Meetings as Old Business Item e and Council agreed.

Council Discussion

January 20, 2015 Work Session Agenda

Mayor Watts advised that Council will hear a Ingram Planetarium/Museum of Coastal Carolina presentation, discuss the Parking RFP and consider the tent regulations amendment that Councilwoman Scott is drafting during the January 20th Work Session.

Homeowners Insurance Rates

Councilman Sherrill advised that the NC Insurance Commissioner did not approve the proposed insurance rate increase and stated that some areas might recognize a 5% insurance rate decrease.

Crime

Councilwoman Scott requested information concerning the recent break-ins on the island. Chief Joyner advised that an arrest has been made and requested island residents to report suspicious activity. Chief Joyner recommended recording serial numbers for all electronics.

Appearance

Mayor Pro-Tem DeVita advised that he has received positive comments concerning the appearance of the Town and thanked Dustin Graham and the Public Works Department staff.

Council Discussion (Cont.)

January 14, 2015 Community Meeting

Mayor Watts reminded the audience of the upcoming Community Meeting to be held at Town Hall on January 14th at 7:00 pm.

Planning Board ETJ Alternate

Mayor Watts advised that beginning in March the Planning Board ETJ Alternate member position will be vacant and requested those interested to apply.

Staff Luncheon

Mayor Watts advised that Council hosted a Staff Luncheon in December and recognized 12 employees with 10+ years of service to the Town.

Tourism

Mayor Watts advised that Brunswick County is reporting an increase in tourism numbers for 2014.

**Monthly Meeting
7:00 pm**

Call to Order & Pledge of Allegiance

Mayor Watts called the meeting to order and the Pledge of Allegiance was recited.

Approval of the Draft Agenda

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY 4-0 VOTE.

Public Comments on Agenda Items Only – Comments are limited to three (3) minutes per speaker

John Corbett 423 Sailfish Street – Questioned the wood cost for the Park boardwalks and the financial condition of the Town. Questioned the hiring of an attorney and what services are being provided.

Mike Casagranda 175 Bellwood Circle – Requested Council to assume the financial responsibility of the Cobblestone Village street lights as it has for other communities within Town limits.

Minutes

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPROVE THE FOLLOWING MINUTES AS WRITTEN:

- a) October 29, 2014 Work Session Minutes
- b) November 3, 2014 Regular Meeting Minutes
- c) November 13, 2014 Work Session Minutes
- d) December 1, 2014 Regular Meeting Minutes
- e) December 11, 2014 Work Session Minutes
- f) Closed Session Minutes:
 - June 30, 2014
 - September 8, 2014
 - October 6, 2014
 - October 29, 2014
 - November 13, 2014
 - December 2, 2014
 - December 11, 2014

Minutes (Cont.)

COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Town Administrator Report

Planning Director- Susan Parker advised that Rawls Howard III has been hired as the new Planning Director and his start date is January 20th.

Residential Development – Parker advised that residential construction is up with three (3) homes under construction in the Cobblestone Village communities with 15 more before year end being considered for that community.

Commercial Development – Parker advised that commercial construction is underway at 690 Sunset Blvd. North (building next door) within the portion of the building that McLeod Medical will occupy.

30th Street and North Shore Drive West Storm Water Drainage Emergency Repair Update – Parker advised that Staff is continuing to work though the legal and permitting phase with the property owner, CAMA, and the Army Corps of Engineers.

Town Park – Parker advised that the contractor will begin this week finishing the brick work outside of the CAMA buffer area. The Town has filed for the CAMA major permit application and the approval is expected in by the first of March.

Mary's Creek Erosion Mitigation – Parker advised that approximately 20' of the Mary's Creek shoreline has eroded. CAMA has agreed to allow the Town to build the area up and make repairs. CAMA will be issuing the permit this week and work will begin.

Website – Parker advised that Sunset Beach West development information has been downloaded on the website including answers to FAQ's. Parker requested those with regulatory questions to contact the regulatory agency such as CAMA, DEHNR, FEMA, Army Corp of Engineers, etc. directly.

Departmental Reports

Police – Chief Joyner added to her report that an arrest is pending in the Walgreens case.

Public Works – Dustin Graham added to his report that the depression at Park Road and Sunset Blvd. North is on NC DOT property and they are aware of the issue. Roundabout – Graham advised that some of the erosion control fencing will be removed.

Building Inspections – Report on file.

Fire Department – Chief Dempsey added to his report that the Ladder truck will be out of service for a month while it's in Florida being repainted. Calabash and Ocean Isle Beach Fire Departments have agreed to respond with their ladder trucks if needed. Dempsey advised that Ocean Isle Beach Road from Old Georgetown Road to the Ocean Isle Beach intersection will be closed for road repairs for the next month. Dempsey advised that the Sunset Beach Fire Department will be covering the section of Ocean Isle Beach Road from Old Georgetown Road to Highway 17 during the closure under the mutual aid agreement with the Ocean Isle Beach Fire Department.

Departmental Reports (Cont.)

Finance Department – Schwerd reviewed the financial snapshot with the Council. Schwerd advised the Finance Department staff is working on the Parking RFP, performing an audit review, developing funding structure needs, formulating a new budget process and writing a fiscal policy for the Council to consider. The Council thanked Schwerd for her efforts to clean up the Finance Department.

Old Business

Consensus of Closed Session Minutes Remaining Sealed

MAYOR PRO-TEM DEVITA MADE A MOTION FOR THE FOLLOWING CLOSED SESSION MINUTES TO REMAIN SEALED IN ACCORDANCE TO NCGS 143-318.10(e):

- 06/30/2014
- 09/08/2014
- 10/06/2014
- 10/29/2014
- 11/13/2014
- 12/02/2014
- 12/11/2014

COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE

Consideration to Retain Town Attorney

Parker advised that four responses were received expressing interest in serving as the Town Attorney and one withdrew. Parker advised that the Council members have had the opportunity to review all of the responses and recommended the Council retain Attorney Grady Richardson as the Town Attorney at a per hour rate of \$350. Parker expressed that the experience of a proven litigator such as Attorney Richardson is essential for the Town with the complexity of the Palm Cove, Jaguar's Lair, and Withers and Ravenel issues facing the Town presently. Councilwoman Scott advised that she has reviewed all of the information and agreed that Attorney Richardson is who the Council should choose.

MAYOR PRO-TEM DEVITA MADE A MOTION TO RETAIN ATTORNEY GRADY RICHARDSON AS THE TOWN ATTORNEY AT A RATE OF \$350 PER HOUR. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Consideration of an Approval for an Amendment of the Park Design and Development Capital Improvement Project Ordinance

Bonnie Schwerd explained that the PARTF grant is a dollar for dollar matching grant. The Park plans included Permatrek concrete materials that we now know are not usable at the site and are not reimbursable from the PARTF grant. The Town has expended approximately \$200,000 on the Permatrek concrete materials and efforts are underway to recover the expenditure. However until such time, the \$200,000 expenditure has been taken from the authorized revenues for the project, thereby the Town has only authorized (roughly) another \$180k. Therefore, the Town can't get reimbursed any more of the PARTF grant amount unless additional project funding are allocated. Council has been appraised as to the status of the project and Staff has been directed by Council to continue working toward the completion of the Phase I construction in order to open the Park by Memorial Day. Additional expenditures for the balance owed on contracts, the alternative boardwalk material and the emergency shoreline stabilization on Mary's Creek are projected at \$165,000.

Old Business (Cont.)

Consideration of an Approval for an Amendment of the Park Design and Development Capital Improvement Project Ordinance (Cont.)

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADOPT THE AMENDMENT FOR THE PARK DESIGN AND DEVELOPMENT CAPITAL IMPROVEMENT PROJECT ORDINANCE TOTALING \$165,000. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Jaguar Lair Town Negotiating Team – Councilman Wilson Sherrill

Councilman Sherrill advised that despite repeated efforts by the Town and the Negotiating Team, Coastal Communities refuses to complete negotiations for the remaining lots in Section 2B and 2C. As per the Subdivision Improvements Agreement (SIA), both the Town of Sunset Beach and Coastal Communities are required to initiate mediation.

Filming of Council Meetings

Mayor Watts requested Council to reach a consensus to film the monthly meetings on a trial basis from February through the June meeting at a cost of approximately \$150 per meeting. The video will be displayed on channel 99 and on www.youtube.com. The Council agreed.

New Business

Consideration of Acceptance of the Cobblestone Neighborhood Street Lights

The Cobblestone Village at Sunset Beach HOA, Inc. has requested that the Town of Sunset Beach assume the operational costs of the subdivision's street lights. The HOA sent a letter offering the street lights to the Town. The HOA has provided a copy of a Brunswick EMC bill with a monthly electric cost of \$282.67. Staff recommended that the Council defers this request for consideration as a part of the annual budget process. Council discussed the need for a street light dedication policy and instructed Staff to develop the policy. Council also discussed enacting a moratorium on acceptance of street lights until the policy can be developed. Schwerd advised that Council will need to amend the 2014/2015 budget to accommodate the expenditure if Council chooses to assume the street lights.

COUNCILWOMAN SCOTT MADE A MOTION TO ACCEPT THE COBBLESTONE SUBDIVISION STREET LIGHTS EFFECTIVE IMMEDIATELY. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO ENACT A MORATORIUM ON THE ACCEPTANCE OF STREET LIGHTS PENDING THE APPROVAL OF A POLICY. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Consideration of Appointment of ABC Board Member with Term Expiration of January 2018

COUNCILMAN SHERRILL MADE A MOTION TO APPOINT ROY CUNDIFF TO THE ABC BOARD WITH A TERM EXPIRATION OF JANUARY 2018. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

New Business (Cont.)

Consideration to Recommend Appointment of Planning Board ETJ Member to the Brunswick County Commissioners

MAYOR PRO-TEM DEVITA MADE A MOTION TO RECOMMEND TO THE BRUNSWICK COUNTY COMMISSIONERS THE APPOINTMENT OF ROBERT TONE AS ETJ REPRESENTATIVE MEMBER FOR THE SUNSET BEACH PLANNING BOARD. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Consideration of Adoption of Speed Limit Ordinance Concurring with NCDOT

Mayor Watts advised that NCDOT is requesting the Council to adopt a concurring ordinance to re-establish the speed limits on Highway 904 and Highway 179.

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADOPT THE FOLLOWING ORDINANCES IN ACCORDANCE WITH NCDOT:

1. That the speed limit of 45 mph set by Concurring State Ordinance Number 1002426 for the following described section be repealed: NC 904 from NC 179 northward for 0.20 mile to the Sunset Beach city limits, a point approximately 0.20 mile north of NC 179.
2. That the speed limit of 45 mph set by Concurring State Ordinance Number 1062144 for the following described section be enacted: NC 179/NC 904 (Seaside Road) between SR 1162 (Seaside Rd) and 0.360 mile north of SR 1162, in Sunset Beach.

COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY 4-0 VOTE.

Public Comments

John Corbett 423 Sailfish Street – Expressed appreciation for the increase of communications with the citizens and thanked the Council for the information provided during their discussions.

Closed Session

COUNCILWOMAN SCOTT MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (3) TO CONSULT WITH ATTORNEY RICHARDSON IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE CONCERNING THE TOWN PARK, PALM COVE AND JAGUAR'S LAIR. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY 4-0 VOTE.

MAYOR PRO-TEM DEVITA MADE A MOTION TO RETURN TO OPEN SESSION. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY 4-0 VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO RECONVENE THE JANUARY 5, 2015 REGULAR MEETING. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY 4-0 VOTE.

Closed Session (Cont.)

Council received legal advice from Attorney Richardson and gave instructions to Attorney Richardson concerning Palm Cove, Jaguar's Lair and Withers and Ravenel. Council also performed the annual evaluation for Susan Parker.

Adjournment

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADJOURN THE JANUARY 5, 2015 COUNCIL MEETING. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY 4-0 VOTE.

Town of Sunset Beach

Ron Watts, Mayor

Submitted by:

Lisa Anglin, Town Clerk